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RECEIVED

JUN 12 1976

WATER RIGHTS

June 11, 1976

Mr. Dee C. Hansen
State Engineer
Department of Natural Resources
Division of Water Rights
442 State Capitol Building
Salt Lake City, Utah 84114

Attention: Mr. Donald Norseth, Distribution Engineer

Gentlemen:

Recently, I was contacted by Mr. Wayne Wiseman and Mr. James Eyre, President and Secretary respectively of the Rocky Ford Irrigation Company. It appears that by reason of the acute water shortage in this area, this irrigating season, these gentlemen have been motivated to make an inquiry and investigation regarding the implementation and enforcement of the order of the State Engineer entered in 1972 which required metering of the wells and group domestic wells utilized either for irrigation or domestic purposes on underground resources in the Beaver-Milford area.

I specifically draw your attention to the provisions of the order and decision entered by the Honorable Hubert C. Lambert, State Engineer, June 9, 1972, a copy of which is enclosed for your information. You will observe that in the fourth paragraph of this memorandum decision, Mr. Lambert states "it is the opinion of the State Engineer that the applicant can be allowed the right to make this change of nature of use and that the application can be approved without impairing or adversely affecting the rights of the protestant. The State Engineer is concerned over the usage of water in the Beaver Valley and must take steps to control withdrawal from the ground water sources. The administrative policy now states that the flows of all irrigation wells, group domestic wells and industrial or commercial wells must be measured with totalizing meters and become a part of the Beaver Valley Distribution system".

Mr. Wiseman and Mr. Eyre report to me that they do not find a single meter being utilized in the Beaver area. Obviously they could be in error as to some of the more remote wells, for I do not believe that they were able to inspect some of the wells that are being used in the canyon areas to the east of Beaver Valley where there has been a substantial residential canyon development.

This matter is of great concern to my clients and I have been requested to bring this matter to your attention and ask the State Engineer to review his

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order and its enforcement. We would greatly appreciate hearing from you in connection with this matter at your earliest convenience.

Respectfully submitted,



ALLEN H. TIBBALS,
Attorney for Rocky Ford Irrigation Co.

AHT:gs
cc: Mr. Wiseman
Mr. Eyre

BEFORE THE STATE ENGINEER OF THE STATE OF UTAH

IN THE MATTER OF APPLICATION)

NUMBER a-6792 (77-168))

MEMORANDUM DECISION

Application No. a-6792 was filed by Murdock Investment Company to change the nature of use of 1.13 acre feet of water as evidenced by Underground Water Claim No. 20743 (77-168) and as described in the proposed Determination of Water Rights for the Beaver Valley Division. The application proposes to change the domestic use of one family and the irrigation of 0.10 acre to the uses required for the operation of a service station business, limited to 1.13 acre feet. The stockwatering described under this claim is supplemental with other rights and sources and would revert to those sources. The application was advertised in the Beaver Press during February and March 1972 and a protest was received from the Rocky Ford Irrigation Company on March 30, 1972. A hearing regarding this matter was held in the Beaver County Courthouse on April 19, 1972.

In the protest it is indicated that the Rocky Ford Irrigation Company is concerned over the amount of water that will return to the natural drainage and that the proposed change could reduce the amount of return. They are also concerned that the right might be enlarged upon and thereby decrease the water reserves even further.

The applicant feels certain that the proposed use of this water will result in even less useage than what has been used in the past and that they do not intend to use more water than they are allowed.

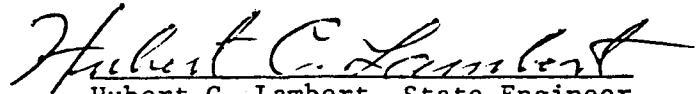
It is the opinion of the State Engineer that the applicant can be allowed the right to make this change of nature of use and that the application can be approved without impairing or adversing the rights of the protestant. The State Engineer is concerned over the useage of water in the Beaver Valley and must take steps to control the withdrawal from the ground water sources. The administrative policy now states that the flows of all irrigation wells, group domestic wells and industrial or commercial wells must be measured with totalizing meters and become a part of the Beaver Valley Distribution System.

It is, therefore, ORDERED, and Application No. a-6792 is hereby APPROVED, subject to prior rights and with the condition that the well must be equipped with a totalizing meter to measure the withdrawal of water from said well.

This decision is subject to the provisions of Section 73-3-14, Utah Code Annotated 1953, which provides for plenary review by the filing of a civil action in the appropriate district court within sixty days from the date hereof.

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Dated this 9th day of June, 1972.


Hubert C. Lambert, State Engineer

GWS:kw

cc: Rocky Ford Irrigation Company
c/o Stanley McKnight, Midvale, Utah
c/o Marybelle Eyre, Minersville, Utah
c/o Allen H. Tibbals, Salt Lake City, Utah